

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In Re:

**AREDIA® AND ZOMETA® PRODUCTS
LIABILITY LITIGATION**

(MDL No. 1760)

This Document Relates to:

**3:06-CV-00375 (Hiller)
3:06-CV-00376 (Kalily)
3:06-CV-00378 (Gee)
3:06-CV-00379 (Champion)
3:06-CV-00391 (Ulatowski)
3:06-CV-00506 (Cole)
3:06-CV-00512 (Schirripa)
3:06-CV-00514 (McIntosh)
3:06-CV-00518 (Prose)
3:06-CV-00523 (Tucker)
3:06-CV-00680 (Gottesfeld)
3:06-CV-00747 (Mellin)
3:06-CV-00815 (Frazier)
3:06-CV-00817 (Kuzara)
3:06-CV-00821 (Reid)
3:06-CV-00822 (C. Brown)**

**No. 3:06-MD-1760
Judge Campbell/Brown**

**3:06-CV-00858 (Spiese)
3:06-CV-00861 (Maya)
3:06-CV-00864 (Ramsey)
3:06-CV-0960 (Waller)
3:06-CV-0966 (K. Wilson)
3:06-CV-0969 (Chertkova)
3:06-CV-0970 (T. Davis)
3:06-CV-0975 (Wegner)
3:06-CV-0977 (Cherry)
3:06-CV-1026 (Summers)
3:06-CV-1027 (Steiner)
3:06-CV-1029 (Riley)
3:06-CV-1031 (Martin)
3:07-CV-0005 (Hruska)
3:07-CV-0007 (A. Davis)**

ORDER

Novartis Pharmaceutical Corporation (NPC) filed a motion for preclusion relief on January 15, 2013 in seventy-eight (78) of the one hundred (100) cases in the first group of cases to proceed to fact discovery. (DE 6325) Plaintiffs responded in opposition on February 1, 2013 (DE 6355) to which NPC replied on February 14, 2013 (DE 6386). An order was entered on March 14, 2013 in which the Magistrate Judge granted NPC's motion in forty-six of the original 78 cases. (DE 6486) The March 14th order did not reach the thirty-one (31) cases¹ in the style of the case above.

The 31 cases that are the subject of this order were discussed at the hearing conducted on

¹ One of the cases not addressed in the Magistrate Judge's March 14th order, *i.e.*, *Woodward*, 3:06-CV-0965, was dismissed on February 26, 2013. (DE 6398, Related Case 27)

April 11, 2013 under Rule 16, Fed. R. Civ. P. The Magistrate Judge elicited argument regarding whether his March 14th ruling should – or should not – be extended to the remaining 31 cases. After hearing argument from both sides, the Magistrate Judge determined that the findings of fact and conclusions of law in the first 46 cases applied with equal force and effect to the remaining 31 cases. The Magistrate Judge ruled from the bench that NPC’s motion for preclusion relief would be granted in those 31 cases.

For the reasons explained above, NPC’s motion for preclusion relief (DE 6325) is **GRANTED** in the 31 cases listed above. The findings of fact and conclusions of law in the March 14, 2013 order (DE 6486) are incorporated herein by reference.

It is so **ORDERED**.

Entered this 16th day of April, 2013.

/s/Joe B. Brown
Joe B. Brown
United States Magistrate Judge